2 of 3 Charges Against Ahmad Killed in Plot Trial

By Betty Medsger 3/28/72
Washington Post Staff Writer

HARRISBURG, Pa., March 27—Two of three charges against Eqbal Ahmad, one of seven antiwar activists on trial here for conspiracy, were dropped today by U.S. District Judge R. Dixon Herman.

Ahmad, a West Pakistan scholar, is still charged along with the other defendants, with conspiring to kidnap presidential adviser Henry A. Kissingerl to bomb tunnels under federal buildings in Washington and to raid federal offices.

But 15 years was cut from Ahmad's potential 20-year prison term by the judge's dismissal of charges that Ahmad sent a letter to defendant Philip Berrigan suggesting the kidnaping of Kissinger and that Ahmad, in regard to the same letter, had violated contraband regulations at Lewisburg, Pa., Federal Penitentiary. Berrigan was imprisoned there in 1970 for destroying Selective Service records.

Though the letter was written by defendant Sister Elizabeth McAlister, a New York nun, the government had argued that Ahmad also should be charged with sending it.

Informer Boyd Douglas testified that Ahmad made two telephone calls to him in a what he thinks of a citizen's dential adviser Henry A. Kissinger—had arrived in Lewisburg.

The two calls are Ahmad's only connection to the entire case, aside from a reference inSister McAlister's kidnap letter to "Eq" suggesting the idea of a "citizen's arrest" as a protest of the Vietnam war.

Ahmad has said repeatedly that he never made the two calls and that he never knew Douglas existed until the first of two indictments was handed down Jan. 12, 1970.

Judge Herman agreed today that the evidence of the calls from Ahmad to Douglas was slim. "You say there's none," he said to Ahmad's attorney, Leonard Boudin. "I think there's very little."

The judge refused to delete the testimony about the calls, but did delete Douglas' testimony about the voice identification of Ahmad. Douglas said he had never seen or heard Ahmad prior to, or since, the two telephone calls from him on Aug. 20 and 22, 1970.

He had identified Ahmad's voice from two separate tapes provided by the FBI. One, played for him in April 1971 in Des Monies, was of a radio broadcast in which Ahmad was the only participant. The other recording, played for him here in January 1972, was of a news conference held by the defendants at the time of their first arraignment on Feb. 8, 1972. In that recording Ahmad introduces himself.

The judge agreed with Boudin that the two tapes were so "suggestive" that it would have been impossible for him not to have known they were of Ahmad's voice.

Acknowledging Ahmad's tangetnial relationship to the case, Judge Herman said today, "If they (the jury) don't find it's his voice, then that's the end as far as he's concerned."

Without presenting any witnesses, the defense rested its case Friday, one day after the prosecution completed a five-week case in which they questioned 64 witnesses. The diminishing of charges against Ahmad came today prior to a hearing on points of charge to the jury. The government will give its summation Tuesday.